

Application No. 10/694,659
Amendment dated September 28, 2006
Reply to Office Action dated June 28, 2006

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REMARKS/ARGUMENTS

Reconsideration and continued examination of the application are respectfully requested.

Claims 1-11, 16-19, and 21-30 are pending. Claims 1, 10, and 11 have been amended to further define the "first observation conditions" including a "distinct illuminating direction" for each. Support for amended claims 1, 10, and 11 can be found, for example, at pages 22-29 of the present application and in figures 5-8, 10A and 10B. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

Examiner Interview Conducted September 12, 2006

Applicant thanks the Examiner for courtesies extended during the telephone interview conducted September 12, 2006. In that interview, the Examiner indicated that further defining the illumination direction as being "distinct" for each of the plurality of observation conditions appeared to distinguish over the cited references.

Applicant has amended claims 1, 10, and 11, accordingly, so that the pending claims even more clearly distinguish over the cited references, including for reasons discussed below.

Rejection of Claims 1-11, 16-27 and 30 Under 35 U.S.C. §103(a) as Being Unpatentable Over Bacus et al. (U.S. Patent No. 6,396,941) in View of Iwabuchi et al. (U.S. Patent No. 6,541,771)

The Examiner, at page 2 of the Office Action, rejected claims 1-11, 16-27, and 30 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. in view of Iwabuchi et al. Applicant interprets the rejection as not intending to include claim 19, due to inclusion of that claim in another section of the Office Action citing different grounds of rejection, as noted below. Claim 20 is canceled. Applicant respectfully traverses the rejection of claims 1-11, 16-18, 21-27, and 30 as

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being unpatentable over Bacus et al. in view of Iwabuchi et al., including for reasons discussed in the amendments previously filed on January 17, 2006, and August 11, 2005, incorporated by reference herein.

In addition, and as discussed in the Examiner interview of September 12, 2006, neither Bacus et al., Iwabuchi et al., nor their combination, even if the combination was proper, teaches or suggests a magnifying observation apparatus as claimed in claim 1. Claim 1 recites a magnifying observation apparatus including a "plurality of first observation images," each of the "plurality of first observation conditions including a distinct illuminating direction with respect to the observation subject." Claim 1 recites that each of the first observation images are "each acquired per a different one of the plurality of first observation conditions including a respective distinct illumination direction set with said first observation condition setting section."

The "plurality of first observation images" and "first observation conditions" recited in claim 1 stand in a one-to-one relationship, so that different first observation images correspond to different first observation conditions. Moreover, the apparatus of claim 1 includes a "first observation image display section for displaying" those "first observation images... simultaneously on the same display screen of said display section." The different first observation images that are simultaneously displayed therefore each derive from different first observation conditions, including "distinct illumination direction."

The Examiner indicated that Bacus et al. fails to teach or suggest "simultaneously displaying" images with different observation conditions, and cites Iwabuchi et al. to supply this deficiency. Neither Bacus et al., Iwabuchi et al., or their combination, even if the combination was proper, teaches or suggests an apparatus as claimed in claim 1. Bacus et al. describes a system in which a set of scanned images are assembled to generate a combined tiled image. The combined

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image can permit more convenient panning and viewing on a limited display screen. See, e.g., Bacus et al., col. 6, lines 17-53. Bacus et al. however fails to teach or suggest an apparatus as claimed in claim 1, including that the tiled images are "each acquired per a different one of the plurality of first observation conditions including a respective distinct illumination direction." Bacus et al. does not teach that any first observation conditions would be different for different tiles, nor that each of the first observation conditions include a "distinct illumination direction." Bacus et al. instead describes capturing images based on the same conditions, consistent with that reference's purpose of tiling scanned portions together to form a combined tiled image.

Iwabuchi et al., cited only to supply a teaching of "simultaneously displaying," likewise fails to teach or suggest any more of the apparatus claimed in claim 1 as Bacus et al. Iwabuchi et al. describes a scanning electron microscope having a view field range outside a display screen, using off-screen points for panning or enlargement. See, e.g., Iwabuchi et al. col. 3, lines 37-48. The electron microscope system of Iwabuchi et al. merely records a plurality of images at different positions on the specimen, and records those images in a storage unit (16). Then, one of the stored images can be selected, read, and displayed on a second display screen area. Iwabuchi et al. only teaches that a selected, single stored image can be displayed on the image display unit (15) simultaneously with an enlarged image of the overall specimen obtained on a real-time basis. Iwabuchi et al. thus fails to teach or suggest a plurality of first observation images based on a plurality of first observation conditions, which are simultaneously displayed on a display section. Iwabuchi et al. instead only displays one magnified part of the overall specimen as an image simultaneously with the overall image of the specimen on the same image display unit. Iwabuchi et al. further fails to describe a "distinct illumination direction" for each of the first observation conditions.

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For these reasons, the rejection should be withdrawn.

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Rejection of Claims 19, 28 and 29 Under 35 U.S.C. §103(a) as Being Unpatentable Over Bacus et al. (U.S. Patent No. 6,396,941) in View of Iwabuchi et al. (U.S. Patent No. 6,541,771) and Further in View of Fairley (U.S. Published Application No. 2002/0118359)

The Examiner, at page 6 of the Office Action, rejected claims 19, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. in view of Iwabuchi et al., and further in view of Fairley. Applicant respectfully traverses the rejection of claims 19, 28, and 29 as being unpatentable over Bacus et al. in view of Iwabuchi et al., and further in view of Fairley, including the reasons discussed in the amendments filed January 17, 2006, and August 11, 2005, which are incorporated herein by reference. The Examiner cites the switchable laser source (523) of Fairley to supply a teaching of different angles of illumination, but Fairley fails to teach or suggest the deficiencies of Bacus et al. and Iwabuchi et al. as noted above with respect to claims 1, 10, and 11 above. The rejection of claims 19, 28, and 29 are overcome for the same reasons. Accordingly, the rejection should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully requests favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by applicant or applicant's undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

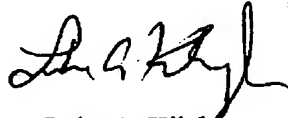
If there are any fees due in connection with the filing of this response, please charge the fees

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to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. §
1.136 not accounted for above, such extension is requested and should also be charged to said
Deposit Account.

Respectfully submitted,



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